

Message Text

LIMITED OFFICIAL USE

PAGE 01 GABORO 01524 111642Z

ACTION AF-10

INFO OCT-01 EUR-12 ISO-00 PM-04 NSC-05 SP-02 SS-15
CIAE-00 INR-07 NSAE-00 L-03 DODE-00 USIA-06
COME-00 TRSE-00 PC-01 SCA-01 PPT-01 SY-05 OPR-02
AID-05 SCS-03 /083 W
-----008022 111704Z /47

R 111311Z JUL 77

FM AMEMBASSY GABORONE

TO SECSTATE WASHDC 0199

INFO AMEMBASSY LONDON

AMEMBASSY LUSAKA

AMEMBASSY MAPUTO

AMEMBASSY MASERU

AMEMBASSY MBABANE

AMEMBASSY PRETORIA

LIMITED OFFICIAL USE GABORONE 1524

E.O. 11652: N/A

TAGS: PINS, CASC, BC

SUBJECT: BOTSWANA SECURITY LAWS

REF: (A) STATE 135172, (B) GABORONE A-29, MAY 25, 1977

1. EMBOFF TALKED WITH DAVID JONES OF ATTORNEY GENERAL'S CHAMBERS WHO DRAFTED AMENDMENTS TO LAWS ON TREASON, ILLEGAL IMPORTATION OF ARMS AND IMMIGRATION.

2. JONES CONFIRMED EMBASSY UNDERSTANDING THAT LAWS ON TREASON APPLIED TO BOTH BOTSWANA CITIZENS AND NON-CITIZENS ALIKE FOR ACTS COMMITTED INSIDE BOTSWANA (SECTION 36.3 OF BOTSWANA PENAL CODE). FURTHER, IN THIS CONNECTION, WE WERE TOLD BY SECRETARY TO THE CABINET STEENKAMP THAT A U.S. MERCENARY WHO TURNED HIMSELF IN WOULD BE DEALT WITH UNDER THE NEW AMENDMENTS THE SAME AS BEFORE, I.E., AFTER A PERIOD
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 GABORO 01524 111642Z

OF INITIAL HYSTERIA" HE WOULD BE DECLARED A PROHIBITED IMMIGRANT AND DEPORTED. HOWEVER, IF HE WERE CAUGHT IN AN OPERATIONAL CAPACITY, THE FULL WEIGHT OF THE LAW WOULD APPLY TO HIM. (SPECIAL BRANCH SUPERINTENDENT ADOLPH HIRSCHFELD HAD COMMENTED IN VERY SIMILAR TERMS SOMETIME EARLIER.)

3. UNDER SECTION 53 OF THE CONSTITUTION, THE PRESIDENT

MAY PARDON A PERSON CONVICTED OF ANY OFFENSE. COMMENT:
AS TO WHETHER AN EXECUTIVE PARDON IS FEASIBLE POLITI-
CALLY, THE MATTER WOULD REST ON THE SEVERITY OF THE CASE.
CERTAINLY, THE RECENT CRITICISMS OF OPPOSITION PARLIA-
MENTARIANS AND PUBLIC OVER LIGHT SENTENCES IN CASES
INVOLVING ILLEGAL IMPORTATION OF FIREARMS TENDS TO
MAKE A PARDON MORE DIFFICULT. SO FAR THE JUDICIARY
HAS GENERALLY TAKEN THE BRUNT OF THE CRITICISM BY ITS
MODERATE SENTENCES SO THAT THE PRESIDENT HAS HAD NO
REASON TO ACT. END COMMENT

4. ILLEGAL IMPORTATION OF ARMS: JONES SAID THAT IN
CASES OF ILLEGAL IMPORTATION OF AUTOMATIC WEAPONS AND
AMMUNITION (POSSIBLE SENTENCE OF FIVE TO TEN YEARS),
THE LAW, WITH AMENDMENTS, DID NOT DISTINGUISH BETWEEN
TOURISTS AND OTHER PARTIES SUCH AS ARMS TRAFFICKERS
AND MEMBER OF FOREIGN ARMED FORCES. ON THE OTHER HAND,
IF THERE WERE EXTENUATING CIRCUMSTANCES AND THE ACCUSED
HAD IMPORTED THE WEAPONS WITH AN "INNOCENT MIND", HE
WOULD LIKELY RECEIVE A LIGHT SENTENCE, IF ANY. HOWEVER,
IT WOULD BE RARE THAT A TOURIST, OR ANYONE, COULD INNO-
CENTLY IMPORT FULLY AUTOMATIC WEAPONS.

5. CONCERNING THE ILLEGAL IMPORTATION OF HANDGUNS AND
OF SPORTING ARMS WITHOUT A PERMIT (POSSIBLE PENALTY OF
SIX MONTHS AND A PUALA 200 FINE) THE SAME RULE CONCERN-
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 GABORO 01524 111642Z

ING THE "INNOCENT MIND" OF THE ACCUSED APPLIES AND NO
DISTINCTION IS MADE BETWEEN TOURISTS AND OTHER TYPES.
NORLAND

LIMITED OFFICIAL USE

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: SECURITY, LAW, PENAL SYSTEM
Control Number: n/a
Copy: SINGLE
Sent Date: 11-Jul-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977GABORO01524
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770246-0110
Format: TEL
From: GABORONE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770772/aaaackqm.tel
Line Count: 97
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 8d30f96d-c288-dd11-92da-001cc4696bcc
Office: ACTION AF
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 STATE 135172, 77 GABORONE A-29
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 09-Feb-2005 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1907552
Secure: OPEN
Status: NATIVE
Subject: BOTSWANA SECURITY LAWS
TAGS: PINS, CASC, PORS, BC
To: STATE
Type: TE
vdkgvwkey: odhc://SAS/SAS.dbo.SAS_Docs/8d30f96d-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009